

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JOSHUA VORESS

PETITIONER

V.

CIVIL ACTION NO. 3:24-CV-101-KHJ-MTP

WARDEN PING

RESPONDENT

ORDER

Before the Court is the [9] Report and Recommendation of Magistrate Judge Michael T. Parker. The Report recommends denying Petitioner's [2] Motion for Leave to Proceed on the Merits and dismissing without prejudice his [1] Petition for Writ of Habeas Corpus. The Court adopts the Report, denies the Motion, and dismisses without prejudice the Petition.

Pro se Petitioner Joshua Voress filed this habeas action in February 2024. [1] at 1. His Petition argued that he had earned First Step Act time credits, which the Bureau of Prisons had not applied to his sentence. *See id.* at 1–2. Voress also filed a [2] Motion for Leave to Proceed on the Merits, asking the Court to excuse the exhaustion requirement. Respondent then sought dismissal because Voress failed to exhaust his administrative remedies. *See Resp.* [8] at 2–3.

The Report recommends denying the [2] Motion and dismissing without prejudice the [1] Petition. [9] at 4. The Report explained that Voress “did not exhaust his administrative remedies, and he has failed to demonstrate any extraordinary circumstances that would warrant waiving the exhaustion

requirement.” *Id.*; *see also id.* at 2–4. The Report notified Voress that failure to file written objections would bar further appeal in accordance with 28 U.S.C. § 636. *See id.* at 4–5.

When no party objects to a Magistrate Judge’s report, the Court need not review it de novo. *See* 28 U.S.C. § 636(b)(1). Instead, the Court can apply the clearly erroneous, abuse-of-discretion, and contrary-to-law standard of review. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

Voress did not object to the Report, and the time to do so has passed. The Court finds that the Report is not clearly erroneous or contrary to law. So the Court adopts the Report as the opinion of this Court.

The Court has considered all arguments. Those not addressed would not have changed the outcome. For the stated reasons, the Court ADOPTS the [9] Report and Recommendation of Magistrate Judge Michael T. Parker; DENIES Petitioner’s [2] Motion for Leave to Proceed on the Merits; and DISMISSES without prejudice the [1] Petition for Writ of Habeas Corpus. The Court will issue a separate final judgment consistent with this Order.

SO ORDERED, this 22nd day of July, 2024.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE